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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,414	04/21/2002	Sharon Flank	08228/1203278-US5	9904
39179	7590	05/10/2007		
Corbis Corporation c/o DARBY & DARBY P.C. P.O. BOX 5257 NEW YORK, NY 10150-5257			EXAMINER ALI, MOHAMMAD	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 05/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/063,414

Applicant(s)

FLANK ET AL.

Examiner

Mohammad Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/9/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Examiner did not rejected the claims under 112 in the last office action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Roy Rada ('Rada' hereinafter), "Hypertext writing and document reuse: the role of a semantic net" in view of Timothy Gill ('Gill' hereinafter), USP, 6,947,959.

With respect to claim 1,

Rada teaches a method for use with a system storing digital media records and comprising a search engine searching said stored digital media records (see section 2.1, page 126), the method comprising the steps of:

receiving different search requests from users (see section 1, Rada);

logging the different search requests (see section 3.2, Rada);

expanding the logged search requests (see section 4, Rada);

applying a statistical clustering algorithm to the expanded logged search requests based on content of the expanded logged search requests, thereby grouping similar search requests together (see sections 2.4, 3.2 Rada);

identifying, using a semantic net hierarchy, a lowest-level term in the hierarchy that subsumes all queries in a grouping of search requests (see section 2.1, Rada); and

communicating the identified term to a user (see section 2.1, Rada).

Rada does not explicitly indicate claimed "digital media".

Gill teaches digital media (a database/storage layer, where the the digital assets representing pictures, sounds, text and other media data and the metadata that describe them reside; a server layer, from which assets are controlled and managed; and a client/interface layer, where users interact with assets by such actions as organizing, checking in, searching, and checking out, see col. 5, lines 36-40, Gill).

It would have been obvious to one ordinary skill in the art at the time of the present invention to modify the teachings of the cited references because digital media of Gill's teaching would have allowed Rada's system for unique process to

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manage a distributed architecture in order to optimize the performance across a network by monitoring and balancing the load and usage of the server and the storage entities as suggested by Gill, col. 3, lines 60-64.

As to claim 2,

Rada teaches wherein the expanding is performed using a thesaurus (see section 3.1, Rada).

As to claim 3,

Rada teaches wherein the expanding is performed using a semantic net comprising synonyms and super-terms (see section 2.1, Rada).

Claims 4-12 have the same subject matter as of claims 1-3 and essentially rejected for the same reasons as discussed above.

As to claim 13,

Rada teaches wherein a user expressing interest in a selected digital media record comprises the user placing the selected digital media record into an online shopping cart (see sections 2.1, 2.3, Rada).

As to claim 14,

Rada teaches wherein a user expressing interest in a selected digital media record comprises the user purchasing rights to use the selected digital media record (see section 2.1, Rada).

As to claim 15,

Rada teaches wherein a user expressing interest in a selected digital media record comprises the user placing the selected digital media record into an online projects folder or other work space (see section 2.1, Rada).

As to claim 13,

Rada teaches wherein the identifying comprises identifying, using a semantic net hierarchy, a lowest-level linguistic term in the hierarchy that subsumes all queries in a grouping of search requests (see section 4.1, Rada).

As to claim 17,

Rada teaches wherein the identifying comprises identifying, using a semantic net hierarchy, a lowest-level linguistic term in the hierarchy that subsumes all of the expanded query metadata results in the grouping of expanded query metadata results (see sections 1, 2.1 Rada).

As to claim 18,

Rada teaches identifying, using the semantic net hierarchy in combination with term frequency in a reference corpus, a lowest level term in the hierarchy that subsumes all queries in a grouping of search requests (see section 5 Rada).

### ***Conclusion***

4. Applicant's submission of an information disclosure statement and amendment under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 2/9/07 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Mohammad Ali  
Primary Examiner  
Art Unit 2166

MA  
April 24, 2007